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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
050,083	06-19-79	Berntsson	24,040

Brumbaugh, Graves, Donohue & Raymond  
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New York, N.Y. 10020

EXAMINER	
Alan L. Rotman	
ART UNIT	PAPER NUMBER
121	11

DATE MAILED:

**MAILED**

**SEP 5 1980**

**GROUP 120**

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ THIS IS AN ATTACHMENT TO THE NOTICE OF ALLOWANCE AND BASE ISSUE FEE DUE
2. ☒ All of the claims being allowable, PROSECUTION ON THE MERITS IS CLOSED in this application in view of: (If not attached hereto, a Notice of Allowance or other appropriate communication will be sent in due course). **Claims 1-3 & 5-31 are being allowed.**
  - a. ☒ Applicant's communication filed August 18, 1980
  - b. ☐ Interview summarized on attached EXAMINER INTERVIEW SUMMARY RECORD.
  - c. ☐ Examiner's Amendment to the Record below. Should the changes and/or additions below be unacceptable to applicant, an appropriate amendment to the record may be proposed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it must be submitted before or with the remittance of the Base Issue Fee.
  - d. ☐ An Examiner's Amendment will follow.
3. ☐ PROSECUTION ON THE MERITS REMAINS CLOSED. Should the changes and/or additions below be unacceptable to applicant, an appropriate amendment to the record may be proposed as provided 37 C.F.R. 1.312. To ensure consideration of such an amendment, it must be submitted before or with the remittance of the Base Issue Fee.

----- EXAMINER'S AMENDMENT TO THE RECORD -----

- A. ☐ Note statement of reasons for allowance contained below. Any comments considered necessary by applicant regarding reasons for allowance must be submitted no later than the payment of the Base Issue Fee, preferably with it, to avoid processing delays. Such submissions should be clearly labeled, "Comments on Statement of Reasons for Allowance."
- B. ☐ Note attached NOTICE OF REFERENCES CITED, PTO - 892, which is part of this communication. The listed references are considered to be pertinent to the claimed invention, but the claims are deemed to be patentable thereover.
- C. ☐ The formal drawings filed on \_\_\_\_\_ are acceptable.
- D. ☐ The drawing correction request filed on \_\_\_\_\_ has been ☐ approved. ☐ disapproved.
- E. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has; ☒ been received.  
☐ not been received. ☐ been filed in parent application, serial no. \_\_\_\_\_

filed on \_\_\_\_\_

- F. ☐ Note amendment to Specification, Claims and/or Drawing contained below.

g. See attachment PTO form 46-106 "Reasons For Allowance"

TO FACILITATE PROCESSING  
THROUGH ISSUE DO NOT FILE  
ADDITIONAL PAPERS UNTIL FORMAL  
NOTICE OF ALLOWANCE (POL 85)  
HAS BEEN RECEIVED

Alan L. Rotman:alr  
A/C 703-557-2517

PTOL - 37 NOTICE OF ANNOWABILITY/EXAMINER'S AMENDMENT

*Alan L. Rotman*  
**ALAN L. ROTMAN**  
**EXAMINER**  
**GROUP ART UNIT 121**

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ATTACHMENT 11  
TO PAPER NO. ....

STATEMENT OF REASONS FOR ALLOWANCE

SERIAL NO. 050,083

By virtue of substantive changes to the specification and claims subject matter has been deleted from the instant specification which was considered unpatentable over the Meyer et al. patent of record under 35 U.S.C.103. In an earlier Amendment, Paper No.6 dated February 13, 1980, applicants cancelled subject matter from claims 1-9 (origin which was construed as overlap with the disclosure of Meyer et al. supra.

In addition to substantive amendments to the specification and claims applicants have provided a Declaration under the provisions of 37 C.F.R.1.132 by the distinguished Dr. Berntsson which clearly shows that Examples 2, 3, 8 and 13 of the present invention possess unexpectedly superior results of Examples 14 and 7 and an additional compound in said patent specifically recited as antihypertensive agent under the conditions of the experiment. The disclosure in Pages 19 and 20 of the specification provide antecedent basis for the Declaration data provided by the Berntsson Declaration supra.

Cancellations from the specification and claims do not constitute new matter as an applicant(s) for a patent need not claim all that is originally disclosed; see In re Driscoll, 195 U.S.P.Q.434 at page 438 in particular (C.C.P.A. 1977) and In re Johnson 194 U.S.P.Q.187 (C.C.P.A. 1977)

Claims 1-3 and 5-31 have been examined and found allowable.

Alan L. Rotman:alr

A/C 703

557-2517

*Alan L. Rotman*  
ALAN L. ROTMAN  
EXAMINER  
GROUP ART. UNIT 121